

III. REMARKS

Claims 1-7 are pending in this application. By this amendment, claims 1 and 4 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-7 are rejected under 35 U.S.C. 102(e) as allegedly being unpatentable over Kato *et al.* (U.S. Patent No. 6,558,431).

Applicant respectfully traverses the 35 USC 102(e) rejections because the rejection is invalid for at least two reasons. Regarding claim 1, Applicant respectfully submits that the prior art fails to teach or suggest each and every feature as recited in claim 1, as amended. For example, Kato fails to teach, or suggest, a method that *inter alia* "whilst in association with said reconfiguration storing an overall network topology in a subset made up of any one or more physical nodes of the network." (emphasis added).

To the contrary, Kato teaches a method and system substantially different from the current claimed invention. For example, in Kato, no single node location (or in more than one node) stores the entire network topology. Kato instead stores *partial* target and controller node information in more than one NUID tables, but never teaches storing *the overall network topology* at one location.

Also, Kato teaches that the NUID tables are limited to being located only in controller devices, and never in target devices. Accordingly, Kato fails to teach methodology in which an overall network topology can be stored in *any* one or more of the physical nodes.

10/074,770

Page 4 of 6

BEST AVAILABLE COPY

Further, in the Office Action, in rejected dependent claim 4 (which formerly relates to current claim 1 language), the Examiner merely cites "(Figs. 1-5)" as the support in Kato for the disclosure of the above features. Respectfully, Applicant contends this is inadequate support for the rejection, in that Figs. 1-5 of Kato, and Kato overall, do not appear to disclose the requisite features in claim 1.

Second, Applicant respectfully traverses the rejection also in that part of the Examiner's reasoning and support for the rejection is not supported by the language of the statute of 35 U.S.C. 102. Specifically, in the "conclusion" portion of the Office Action, the Examiner's statement regarding *inter alia* context, prior art, and Examiner's disclosure is not in alignment with the statutory language for a proper rejection under U.S.C. 102. "Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner." (Page 7-8). Applicant respectfully contends that this standard is incorrect and that, under §102, each and every element in the claim must be shown by the Examiner in the cited art or else a patent must issue. Rejections based upon general type principals of "representative" of prior art and incorporating context as regards to "prior art" or disclosure(s) by the Examiner does not meet the requisite statutory burden in rejecting a claim(s).

Accordingly, Applicant submits that there is no disclosure or suggestion in Kato, of any type of inverting of the updated second document, with respect to claim 1. Therefore, Applicant respectfully requests withdrawal of the rejection.

10/074,770

Page 5 of 6

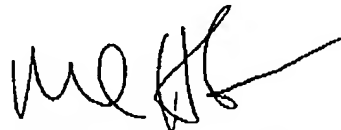
BEST AVAILABLE COPY

With respect to dependent claims 2-7, Applicant herein incorporates the arguments presented above with respect to the independent claim from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

In light of the above remarks, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



Michael F. Hoffman
Reg. No.: 40,019

(JJC)

Date: October 7, 2005

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

10/074,770

Page 6 of 6

BEST AVAILABLE COPY